

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN L. BALLARD,

Plaintiff,

vs.

SHANE THURMAN, and
DANIAL DANAHER,

Defendants.

8:22CV90

**MEMORANDUM
AND ORDER**

Plaintiff has filed a “Motion to Compell [sic] Discovery” (Filing 30).

The Federal Rules of Civil Procedure provide that a party may move for an order compelling discovery when another party fails to respond to an interrogatory or request for production. *See* Fed. R. Civ. P. 37(a). Plaintiff, however, appears to be making an initial request for the production of documents and other items from Defendants. A request such as this must be served directly upon Defendants. *See* Fed. R. Civ. P. 34(a). It is not to be filed with the court. *See* NECivR 5.4(a).

In addition, the deadline for service of discovery requests was July 13, 2022. *See* Filing 20. Plaintiff’s filing was not received by the court until September 21, 2022, and Plaintiff has not shown there is good cause or excusable neglect for extending the discovery deadline. *See* Fed. R. Civ. P. 6(b)(1)(b) & 16(b)(4).

IT IS THEREFORE ORDERED that Plaintiff’s motion to compel discovery (Filing 30) is denied.

Dated this 22nd day of September, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge